REMARKS

In the Office Action[1], the Examiner rejected claims 1-68 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2002/0077082 to Cruickshank et al. ("*Cruikshank*") in view of U.S. Patent Application Publication No. 2002/0076027 to Bernnan et al. ("*Bernnan*").

By this Amendment, Applicants amend claims 1, 14, 24, 37, 47-49, and 62-68.

I.   The Rejection of Claims 1-68 Under 35 U.S.C. § 103(a)

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-68 under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established with respect to these claims.

A. Claims 1-13, 24-36, 47, and 49-61

Claim 1, for example, recites a method comprising, *inter alia*, "connecting the call between the calling party and the called party <u>when the calling party denies the collaboration request</u>" (emphasis added).

Cruikshank discloses handheld computing devices that connect to a voice messaging server via a wireless connection or via PSTN (*Cruikshank*, ¶ 15). The handheld computing devices can download voice messages from the voice messaging server, and display text messages associated with the voice messages (*Cruikshank*, ¶ 16). The text messages can include information such as the calling line ID of the

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[1] As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome this rejection, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to the rejection (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

caller that left the message, the time of day the voice message was received, or business card information such as a vCard (*Cruikshank*, ¶¶ 19-20).

Cruikshank also discloses that a user may, while reviewing a particular voice message, initiate an instant messaging session with the caller who left the voice message (*Cruikshank*, ¶ 28). The Final Office Action apparently relies on *Cruikshank's* user initiating an instant messaging session as allegedly corresponding to the claimed "collaboration request" (Final Office Action at page 4). However, *Cruikshank* does not teach or suggest, for example, connecting a call if the <u>caller</u> who left the voice message denies the request to instant message. Accordingly, *Cruikshank* does not teach or suggest "connecting the call between the calling party and the called party <u>when the calling party denies the collaboration request</u>," as recited by independent claim 1 (emphasis added)

Bernnan discloses a method for establishing a message composing session for a calling party when the calling party cannot have a synchronous call to a called party (*Bernnan*, abstract). The message composing session uses information retrieved from a database to fill in certain parameters in a message, such as the called party's voice mail address, e-mail address, etc. (*Bernnan*, ¶ 42). Once the message is composed, the calling party sends the message to the called party (*Bernnan*, ¶ 47).

Bernnan also discloses handling a synchronous call attempt form a calling party to a called party by detecting that the calling party wishes to send a message to the called party (Brennan, ¶ 10). The Final Office Action relies on these disclosures of *Bernnan* in addressing certain features of independent claim 1 (Final Office Action at page 2). However, *Bernnan's* calling party is not <u>denying</u> a collaboration request by

attempting to send the called party a message. Accordingly, *Bernnan* fails to disclose

or suggest connecting a call when a calling party denies a collaboration "connecting the

call between the calling party and the called party <u>when the calling party denies the</u>

<u>collaboration request</u>," as recited by independent claim 1 (emphasis added).

Independent claims 24, 47, and 49, though of different scope from claim 1, recite

features similar to those set forth above with respect to claim 1. Claims 24, 47, and 49

are therefore allowable for reasons similar to those presented above with regard to

claim 1.

Claims 2-13, 25-36, and 50-61 depend from one of the independent claims, and

the dependent claims are therefore allowable at least due to their dependence from

allowable base claims.

B. Claims 14-23, 37-46, 48, and 62-68

Claim 14, for example, recites a method comprising, *inter alia*, "receiving, <u>while</u>

<u>the call is available to be answered by the called party</u>, a response to the notification

from the called party indicating that the called party requests a collaboration to share

data interactively with the calling party" (emphasis added).

As discussed, *Cruikshank* discloses that a user may, while reviewing a particular

voice message, initiate an instant messaging session with the caller who left the voice

message (*Cruikshank*, ¶ 28). The Final Office Action apparently relies on *Cruikshank*'s

instant messaging session as allegedly corresponding to the claimed "collaboration"

(Final Office Action at page 4). However, *Cruikshank* discloses that the voice

messages are reviewed by the user <u>offline</u>, and accordingly, any incoming call

associated with the voice message is no longer available to be answered (See

Cruikshank, ¶ 36). Accordingly, *Cruikshank* does not teach or suggest "receiving, <u>while the call is available to be answered by the called party</u>, a response to the notification from the called party indicating that the called party requests a collaboration to share data interactively with the calling party," as recited by independent claim 14 (emphasis added)

As discussed, *Bernnan* discloses handling a synchronous call attempt form a calling party to a called party by detecting that the calling party wishes to send a message to the called party (*Bernnan*, ¶ 10). *Bernnan* also discloses that the call is not necessarily dropped even though the calling party wishes to send a message (*Bernnan*, ¶ 10). However, *Bernnan* does not disclose or suggest that the <u>called</u> party can request a collaboration while the call is available to be answered. Accordingly, *Bernnan* does not teach or suggest "receiving, <u>while the call is available to be answered by the called party</u>, a response to the notification from the called party indicating that the called party requests a collaboration to share data interactively with the calling party," as recited by independent claim 14 (emphasis added).

Independent claims 37, 48, and 62-68, though of different scope from claim 14, recite features similar to those set forth above with respect to claim 14. Claims 37, 48, and 62-68 are therefore allowable for reasons similar to those presented above with regard to claim 14.

Claims 15-23 and 38-46 depend from one of the independent claims, and the dependent claims are therefore allowable at least due to their dependence from allowable base claims.
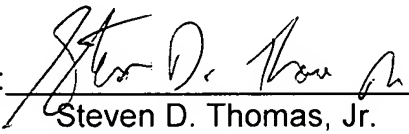
II.   Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

Dated: August 6, 2009   By:_____
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                                              Reg. No. 64,421